

DEC 28 2004

Rev 09/03

Application: 10/070,302
Filed: May 01, 2002
TC Art Unit: 1641
Confirmation No.: 2837

WEINGARTEN, SCHURGIN, GAGNERIN & LEBOVICI LLP
Ten Post Office Square
Boston, Massachusetts 02109
Telephone: (617) 542-2290
Telecopier: (617) 451-0313

Date: December 28, 2004

Attorney
Docket No.: MBP-010XX

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF APPEALS

In re application of: Daniel R. Dietrich, et al.

Entitled: CONGENER INDEPENDENT DETECTION OF MICROCYSTIN AND NODULARIN CONGENERS

Via Facsimile
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated June 28, 2004, of the Examiner finally rejecting claims 1, 3-12 and 14-28.

Authorization for charging the Notice of Appeal fee in the amount of \$250.00 is included on the enclosed amendment transmittal form.

The following checked items are appropriate:

A timely response to the final rejection:

☐ has been filed ☒ is hereby filed

An extension of time to respond to the final rejection:

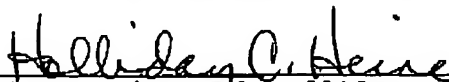
1. ☐ was requested on _____ for ____ month(s);
2. ☐ is hereby requested for ____ month(s) and a check in the amount of \$_____ for the extension fee is enclosed.
3. ☒ is included on the enclosed amendment transmittal form along with authorization to charge extension fees.

☒ In the event a Petition for Extension of Time is required by this paper and not otherwise provided, such Petition is hereby made and authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of such extension.

☒ The Commissioner is hereby authorized to charge payment of any additional filing fees under \$1.16 associated with this communication or credit any overpayment to Deposit Account No. 23-0804.

I hereby certify that this correspondence is being sent via facsimile to Examiner Mary E. Ceperley, TC Art Unit 1641, Fax No. (703) 872-9306, on December 28, 2004.

SUBMIT IN TRIPLICATE
HCH/mc/315415-1


Attorney of Record: Holliday C. Heine, Ph.D.
Registration No. 34,346